

EXHIBIT 1

PERIOD	DECEMBER 10, 2009 STA CLOCK SUPERSEDING INDICTMENT	Speedy Trial Clock	
		EOJ DAYS	STA DAYS
PERIOD A	December 10, 2009 (Dkt 28) to December 14, 2009 (Dkt 29)		3
Dec. 10, 2009 Dkt 25 – Dkt 29	Assuming STA clock restarted when Defendant appeared on December 10, 2009, to plead not guilty to charges set forth in superseding indictment (Dkt 28). Three days passed from December 10, 2009 (Dkt 28) to December 14, 2009 (Dkt 29), when Magistrate Alba entered (invalid) <i>ends of justice</i> order.		
	3 DAYS COUNTED: December 11, 12, and 13		
PERIOD B	December 14, 2009 (Dkt 29) to December 29, 2009 (Dkt 31)	15	
Dec. 14, 2009 Dkt 29 - Dkt 31	December 14, 2009 order (Dkt 29) set status conference for January 18, 2010, based upon October 23 , 2009 hearing, and purported to exclude time.		
	EOJ DAYS NOT COUNTED: December 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28		
PERIOD C	December 29, 2009 (Dkt 31) to January 18, 2010	21	
Dec. 29, 2009 Dkt 31 - Jan. 18, 2010	On December 29, 2009, the court entered an "Amended Notice of Hearing" continuing the status conference from January 18, 2010, to January 27, 2010. No time excluded.		
	EOJ DAYS NOT COUNTED: December 31, January 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18		
PERIOD D	January 19, 2010 to January 27, 2010 (Dkt 34)		8
Jan. 19, 2010 – Dkt 34	Court issued "Amended Notice of Hearing" continuing January 18, 2010 status conference to January 27, 2010 (Dkt 34), without an order excluding time, and no pending motions.		
	8 DAYS COUNTED: Jan. 19, 20, 21, 22, 23, 24, 25, and 26		
PERIOD E	January 27, 2010 (Dkt 34) to February 9, 2010 (Dkt 35)	12	
Jan. 27, 2010 Dkt 34	January 27, 2010 status conference (Dkt 34). Court entered faulty <i>ends of justice</i> order purporting to exclude time until March 31. Defendant filed motion (Dkt 35) February 9, 2010.		
	EOJ DAYS NOT COUNTED: Jan. 28, 29, 30, 31, and Feb. 1, 2, 3, 4, 5, 6, 7, and 8		
PERIOD F	February 9, 2010 (Dkt 35) to June 2, 2011 (Dkt 165)	7	12
Feb. 9, 2010 Dkt 35 –	On February 9, 2010, Defendant filed a motion (Dkt 35) re privileged material. On August 18, 2010, Magistrate Alba		

Dkt 165	granted in part and denied in part. On August 31, 2010, Magistrate Alba held status conference and excluded time. On October 8, 2010, both sides filed objections. On November 23, 2010, Judge Waddoups sustained Defendant's objection in part and reopened hearing. Other motions pending. Judge Waddoups issues ruling on motion (Dkt 35) on June 2, 2011 (Dkt 165).	
	11 DAYS COUNTED: Aug. 19, 20, 21, 22, 23, 24, 25, and 27, 28, 29, and 30 EOJ DAYS NOT COUNTED: Sep. 1, 2, 3, 4, 5, 6, and 7 Other time excluded per §3161(h)(1)(d) and §3161(h)(1)(H).	
PERIOD G	June 2, 2011 (Dkt 165) to June 7, 2011 (Dkt 172)	4
June 2, 2011 Dkt 165 – Dkt 172	As of June 2, 2011, there were no pending motions and no other applicable exclusionary provisions of §3161(h). On June 7, 2011, government filed motion to stay (Dkt 167), which the Court granted on June 16, 2011 (Dkt 172).	
	4 DAYS COUNTED: June 3, 4, 5, and 6	
PERIOD H	June 16, 2011 (Dkt 172) to June 23, 2011 (Dkt 174)	6
June 16, 2011 Dkt 165 – Dkt 172	On June 16, 2011 (Dkt 172) Court granted motion to stay. Nothing pending until June 23, 2011, when government moved to admit attorney <i>pro hac vice</i> (Dkt 173 & Dkt 174).	
	6 DAYS COUNTED: June 17, 18, 19, 20, 21 and 22	
PERIOD I	June 24, 2011 (Dkt 175) to July 7, 2011 (Dkt 178)	12
June 24, 2011 Dkt 175 – Dkt 178	On June 24, 2011 (Dkt 175 & Dkt 176) the court granted government's pro hac motions. Time ran until July 7, 2011 (Dkt 178) when government filed motion for status hearing.	
	12 DAYS COUNTED: June 25, 26, 27, 28, 29, 30 and July 1, 2, 3, 4, 5 and 6.	
PERIOD J	July 7, 2011 (Dkt 178) to August 2, 2011 (Dkt 185)	20
July 7, 2011 Dkt 178 – Dkt 185	On July 12, 2011 (Dkt 180), Court granted July 7, 2011 motion for status (Dkt 178) and set hearing date for July 27, 2011, but then continued to August 2, 2011 (Dkt 185), without an order excluding time.	
	20 DAYS COUNTED: July 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and August 1	
PERIOD K	August 2, 2011 (Dkt 185) to October 6, 2011 (Dkt 194)	64
August 2, 2011 Dkt 185 – Dkt 194	At August 2, 2011 hearing (Dkt 185), Court set a hearing for October 7, 2011, and Magistrate Alba impermissibly excluded time until October 7, 2011.	

EOJ DAYS NOT COUNTED: 64 days		
PERIOD L	October 6, 2011 (Dkt 194) to November 1, 2011 (Dkt 200)	20
Oct. 6, 2011 Dkt 194 – Dkt 200	On October 6, 2011, Defendant filed unopposed motion (Dkt 194) to continue, which was granted that same day (Dkt 195), without order excluding time. On October 25, 2011, Defendant filed second motion to continue (197), which was granted that same day (Dkt 198), without order excluding time. On October 28, 2011 (Dkt 199), government filed for a status conference, which was not granted until November 1, 2011.	
20 DAYS NOT COUNTED: October 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 26, 27.		
PERIOD M	November 1, 2011 (Dkt 200) to November 15, 2011 (Dkt 201)	14
Nov. 1, 2011 Dkt 200 – Dkt 201	On November 1, 2011 (Dkt 200), Court granted motion for status hearing (Dkt 199), setting hearing for November 15, 2011, without any order excluding time.	
13 DAYS COUNT: Nov. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14		
PERIOD N	November 15, 2011 (Dkt 201) to November 19, 2011 (Dkt 202)	3
Nov. 15, 2011 Dkt 201 – Dkt 202	At November 15, 2011 hearing, Magistrate Alba entered faulty <i>ends of justice</i> order, purporting to exclude time, and then Defendant filed motions beginning November 19, 2011 (Dkt 202)	
EOJ DAYS NOT COUNTED: November 16, 17, and 18		
Period O	November 19, 2011 (Dkt 202) to August 15, 2013 (Dkt 360)	
Nov. 19, 2011 Dkt 202 – Dkt 365	Beginning November 19, 2011 (Dkt 202), Defendant filed a number of motions, all pending until last one resolved August 15, 2013 (Dkt 360)	
Time was automatically excluded pursuant to §3161(h)(1)(d) and §3161(h)(1)(H)		
PERIOD P	August 15, 2013 (Dkt 360) to August 20, 2013 (Dkt 363)	3
Aug. 15, 2013 Dkt 365 – Dkt 361	On August 15, 2013 (Dkt 365), Court granted Defendant's motion to suppress (Dkt 258). Time ran until August 19, 2013 (Dkt 361) when government filed a motion for status conference.	
3 DAYS COUNTED: August 16, 17 and 18		
PERIOD Q	August 20, 2013 (Dkt 363) to February 10, 2014 (Dkt 394)	6

Aug. 20, 2013 On August 20, 2013 (Dkt 363), Court granted government's motion (Dkt 361) and set a status conference for August 27, 2013 (Dkt 364). No motions or other exclusionary provisions of §3161(h) were in effect. On August 27, 2013 (Dkt 364), Court set trial date for February 10, 2014 (Dkt 394) and excluded time.

6 DAYS COUNTED: August 21, 22, 23, 24, 25 and 26

PERIOD R	February 10, 2014 (Dkt 394) to March 28, 2014 (Dkt 411)	3
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Feb 10, 2014 On February 10, 2014 (Dkt 394), Court received mandate from the Tenth Circuit, following aborted appeal. On February 14, 2014 (Dkt 395), government filed a frivolous motion to reconsider.

3 DAYS COUNTED: February 11, 12, 13

PERIOD S	March 28, 2014 (Dkt 411) to April 3, 2014 (Dkt 413)	5
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Mar. 28, 2014 On March 28, 2014(Dkt 411), Court denied government's motion (Dkt 395), set trial date, and declined to exclude time. On April 3, 2014 (Dkt 413), government filed frivolous motion to exclude time.

5 DAYS COUNTED: March 29, 30, 31, April 1 and 2

DECEMBER 10, 2009 STA CLOCK TOTAL:	122	116
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PERIOD DATE & DKT#	JUNE 19, 2009 STA CLOCK FROM ORIGINAL INDICTMENT	Speedy Trial Clock	
		EOJ DAYS	STA DAYS
PERIOD T	May 29, 2009 (Dkt 1) to June 19, 2009 (Dkt 10)	0	0
May 29, 2009 Dkt 1 – Dkt 10	Defendant was indicted on May 26, 2009 (Dkt 1), and appeared to plead not guilty on June 19, 2009 (Dkt 10).		
	NO DAYS		
PERIOD U	June 19, 2009 (Dkt 10) to August 4, 2009 (Dkt 14)	46	
June 19, 2009 Dkt 10	On June 19, 2009 (Dkt 10), Defendant appeared to plead not guilty. Magistrate Alba purported to set hearing for August 31, 2009, and to exclude time. On August 4, 2009, the parties file a joint motion to continue hearing (Dkt 14).		
	EOJ DAYS NOT COUNTED: 46 days		
PERIOD V	August 4, 2009 (Dkt 14) to August 31, 2009	21	
August 4, 2009 Dkt 14 – Dkt	Joint motion from Aug. 4 (Dkt 14) was granted by the court on August 10, 2009 (Dkt 15).		

EOJ DAYS NOT COUNTED: 21 days		
PERIOD W	August 31, 2009 to October 13, 2009	43
Aug. 31, 2009	Time from August 31, 2009, to October 13, 2009, counted on	
-	the STA clock due to 8/4 invalid <i>ends of justice</i> order.	
Oct. 13, 2009	EOJ DAYS NOT COUNTED: 43 days	
PERIOD X	October 13, 2009 to October 23, 2009 (Dkt 20)	9
Oct. 13, 2009 – Dkt 20	The 9-day period of time from October 13, 2009 to October 23, 2009 hearing elapsed without order excluding time.	
	9 DAYS COUNTED: October 14, 15, 16, 17, 18, 19, 20, 21, and 22	
PERIOD Y	October 23, 2009 (Dkt 20) to November 10, 2009 (Dkt 25)	18
Oct. 23, 2009	From October 23, 2009 hearing (Dkt 20), to filing of	
Dkt 20 –	superseding indictment on November 10, 2009 (Dkt 25),	
Dkt 25	faulty <i>ends of justice</i> order.	
EOJ DAYS NOT COUNTED: 18 days		
PERIOD Z	November 10, 2009 (Dkt 25) to December 10, 2009 (Dkt 28)	30
Dec. 10, 2009	On November 10, 2009 (Dkt 25), government filed	
Dkt 25 –	superseding indictment. On December 10, 2009 (Dkt 28),	
Dkt 28	Defendant appeared to plead not guilty. A period of 30 days elapsed unexcluded due to invalid <i>ends of justice</i> order	
EOJ DAYS NOT COUNTED: 30 days		
	TOTAL:	158
	DECEMBER 10, 2009 STA CLOCK:	122
	BOTH STA CLOCKS TOTAL:	280
	9	116
	125	

Additional considerations:

1. The total *ends of justice* adjustment would be 122 additional days from December 10, 2009, to be applied against the STA clock, and 280 additional days from June 19, 2009.
2. The total sanction Defendant seeks as a remedy for the government's misconduct in filing frivolous motions on February 14, 2014, and April 3, 2014, and in making false statements on August 27, 2013, and September 13, 2013, for the purpose of delay and excluding time would be to retroactively revoke 224 days of excluded time obtained by the misconduct. *See, e.g., United States v. Carbone*, 666 F.2d 1112, 1116 (7th Cir. 1981) ("[I]n appropriate cases, for example where the government ha[s] procured a continuance by deliberate misrepresentation and the delay caused by the continuance was seriously prejudicial to the defendant, the trial court could revoke the continuance retroactively as a sanction for the misconduct and a protection for the defendant.").